

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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TONY CACCAVALE, ANTHONY MANGELLI,
DOUGLAS SORBIE, and JAMES BILLUPS
individually and on behalf of all others similarly situated,

Case No.: 20-cv-00974(NJC)(ST)

Hon. Nusrat J. Choudhury

Plaintiffs,

-against-

HEWLETT-PACKARD COMPANY A/K/A HP INC.,
HEWLETT PACKARD ENTERPRISE COMPANY and
UNISYS CORPORATION,

Defendants.

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**NOTICE OF MOTION FOR PRELIMINARY APPROVAL OF SETTLEMENT,
CONDITIONAL CERTIFICATION OF THE SETTLEMENT CLASS/COLLECTIVE,
APPROVAL OF PROPOSED NOTICE OF SETTLEMENT AND CLAIM FORM,
APPROVAL OF SETTLEMENT PROCEDURE, APPOINTMENT OF PLAINTIFF'S
COUNSEL AS CLASS COUNSEL, APPOINTMENT OF CLAIMS ADMIN, AND
INJUNCTIVE RELIEF**

For the reasons set forth in the concurrently submitted memorandum of law in support of Plaintiff Douglas Sorbie and Defendant Unisys Corporation's (the "Parties") instant motion, in the concurrently submitted Declaration of Jason Ablove in support thereof ("Ablove Dec."), and in the exhibits to the aforesaid declaration, the Parties respectfully request that the Court:

1. grant preliminary approval of the Settlement Agreement And Release ("Settlement Agreement") and assert jurisdiction over the implementation and administration of the Settlement Agreement attached as Exhibit 2 to the Ablove Dec.;
2. adjudge the terms of the Settlement Agreement to be fair, reasonable, adequate and in the best interests of the Settlement Class Representative and Settlement Members;
3. direct the consummation of the Settlement Agreement's terms and provisions;

4. preliminarily certify the following settlement class under Fed R. Civ. P. 23(e) for purposes of effectuating the settlement (“New York State Settlement Class”):

Current or former employees of Unisys (including the Named Plaintiffs) who are or were employed at any time by Unisys in New York based on a Unisys-assigned New York work location, during the period February 21, 2014 through October 20, 2023 in one or more of the following positions in the Service Delivery Employee job family: Field Engineer 1, Field Engineer 2, Field Engineer 3, Field Engineer 4, Customer Engineer 2, Customer Engineer 3, Customer Engineer 4, Customer Engineer 5, Customer Engineer 6, Client Infrast Rep 3-Barg Unit, Client Infrast Rep 4-Bar Unit, Client Infrast Rep 5-Barg Unit, UTS Field Svc Associate, UTS Field Svc Tech 1, UTS Field Svc Tech 2, UTS Field Svc Tech 3, UTS Field Svc Tech 4, or UTS Field Svc Tech 5 (“Service Delivery Employees”).

5. preliminarily certify the following collective/modify the existing collective for purposes of effectuating the settlement (“Federal FLSA Settlement Collective”):

Current or former employees of Unisys (including the Named Plaintiffs) who are or were employed at any time by Unisys in New York based on a Unisys-assigned New York work location, during the period December 17, 2017 through October 20, 2023, in one or more of the following positions in the Service Delivery Employee job family: Field Engineer 1, Field Engineer 2, Field Engineer 3, Field Engineer 4, Customer Engineer 2, Customer Engineer 3, Customer Engineer 4, Customer Engineer 5, Customer Engineer 6, Client Infrast Rep 3-Barg Unit, Client Infrast Rep 4-Bar Unit, Client Infrast Rep 5-Barg Unit, UTS Field Svc Associate, UTS Field Svc Tech 1, UTS Field Svc Tech 2, UTS Field Svc Tech 3, UTS Field Svc Tech 4, or UTS Field Svc Tech 5.

6. Approve the form and content of the proposed class and collective action notice and claim form annexed as Exhibit 3 to the Abelove Dec. and direct its distribution;

7. Set the date for the Final Approval/Fairness Hearing;

8. Approve the proposed class action settlement procedure as set forth in the proposed preliminary approval order (annexed as Exhibit 4 to the Abelove Dec.);

9. Designate the undersigned’s firm, along with the Law Offices of Jason L. Abelove P.C., the Law Offices of Yale Pollack P.C., and the Law Offices of Anthony J. LoPresti as class counsel;

10. Designate Rust Consulting as the Claims Administrator;

11. Pursuant to the All Writs Act, 28 U.S.C. § 1651(a), enjoin all Settlement Members from initiating lawsuits asserting Claims encompassed within Sections 14(a) and 14(b) of the Settlement Agreement against Unisys on behalf of any class or collective of Service Delivery Employees, until such time as Final Approval has been granted; and

12. Grant such other, further, or different relief as the Court deems just and proper.

Dated: Hicksville, New York
June 24, 2024

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